

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

KEITH BUSKING, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. CIV-06-0602-F
	)	
FISH & RICHARDSON, P.C., et al.,	)	
	)	
Defendants.	)	

**ORDER**

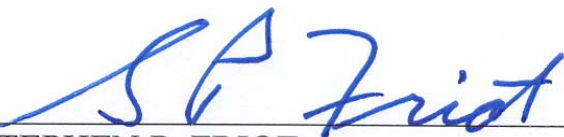
“Defendants’ Motion for Attorneys’ Fees,” filed November 17, 2006, is before the court. (Doc. no. 28.) In their motion, defendants ask the court to enter judgment against plaintiffs for the reasonable and necessary attorneys’ fees incurred by Fish & Richardson in this action. The time for responding to the motion has expired, and plaintiffs have not filed any response to the motion nor have they requested an extension of time within which to respond to the motion. Accordingly, the motion has been confessed. *See*, LCvR7.2(f) (motion not responded to within 18 days may be deemed confessed by the court in its discretion).

Although the motion has been confessed, the court has nevertheless carefully reviewed the grounds for the requested fee award, including the affidavit and time records attached to the motion. Having done so, the court finds that the defendants were awarded their attorney fees in the underlying arbitration award that was subsequently confirmed in this action; that defendants are the prevailing party in this action; that the requested fees are reasonable in that they are the result of a number of hours reasonably expended times a reasonable hourly rate; and that this was a civil action to recover for services rendered. The court notes that the requested fees do not include any amount for any enhancements based on any special factors.

Accordingly, after careful consideration of the motion, the court finds and concludes that defendants are entitled to the requested fees on each of the three grounds that they urge, a result which plaintiffs have confessed. Defendants are entitled to their fees under the arbitration award itself; they are entitled to their fees under the Oklahoma Uniform Arbitration Act, 12 O.S. Supp. 2005 §1876; and they are entitled to their fees under Oklahoma fee-shifting statute 12 O.S. Supp. 2005 §936.

Defendants' motion for attorneys' fees is **GRANTED**. Defendants are hereby awarded their attorneys' fees in the amount of \$19,971.00. An amended judgment will be entered reflecting the fee award.

Dated this 11<sup>th</sup> day of December, 2006.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

06-0602p010(pub).wpd